

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 * * *

9 ANTWAN KEVIN BAKER,

Case No. 2:17-cv-01616-JCM-GWF

10 Plaintiff,

ORDER

11 v.

12 BUSSELL, *et al.*,

13 Defendants.

14 **I. DISCUSSION**

15 On May 7, 2018, this Court issued a screening order that dismissed the complaint
16 with prejudice. (ECF No. 6). On June 15, 2018, Plaintiff filed a document he called a
17 “rebuttal motion.” (ECF No. 10). The Court construes this motion as a motion for
18 reconsideration of its May 7, 2015 screening order.¹

19 A motion to reconsider must set forth “some valid reason why the court should
20 reconsider its prior decision” and set “forth facts or law of a strongly convincing nature to
21 persuade the court to reverse its prior decision.” *Frasure v. United States*, 256 F.Supp.2d
22 1180, 1183 (D. Nev. 2003). Reconsideration is appropriate if this Court “(1) is presented
23 with newly discovered evidence, (2) committed clear error or the initial decision was
24 manifestly unjust, or (3) if there is an intervening change in controlling law.” *Sch. Dist.*
25 *No. 1J v. Acands, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). “A motion for reconsideration
26 is not an avenue to re-litigate the same issues and arguments upon which the court
27

28 ¹ It is unclear whether Plaintiff wishes to file a notice of appeal. The Court does not construe this document
as a notice of appeal. If Plaintiff wishes to appeal, he must file a notice of appeal in a different document.

1 already has ruled.” *Brown v. Kinross Gold, U.S.A.*, 378 F.Supp.2d 1280, 1288 (D. Nev.
2 2005).

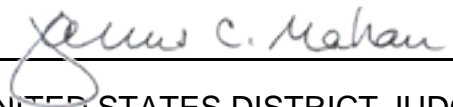
3 The Court finds no grounds to reconsider its screening order. Accordingly, the
4 motion for reconsideration is denied.

5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that the “rebuttal motion” (ECF No.
7 10) is construed as a motion for reconsideration.

8 IT IS FURTHER ORDERED that the motion for reconsideration (ECF No. 10) is
9 denied.

10
11
12 DATED June 21, 2018.

13 
14 _____
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28